

DEPARTMENT OF FOOD AND AGRICULTURE

CALIFORNIA CODE OF REGULATIONS
TITLE 3. FOOD AND AGRICULTURE
DIVISION 4. PLANT INDUSTRY
CHAPTER 1. CHEMISTRY
SUBCHAPTER 1. FERTILIZING MATERIALS
ARTICLE 1. STANDARDS AND LABELING
ARTICLE 3. LICENSING
ARTICLE 4. REGISTRATION
ARTICLE 5. TONNAGE REPORTING
ARTICLE 6. ADMINISTRATIVE PENALTIES
ARTICLE 7. MILL ASSESSMENTS

PROPOSED REGULATION TEXT

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ARTICLE 1. STANDARDS AND LABELING

§ 2300.1. Definitions

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(i) The term “fraud” means a knowing misrepresentation of the truth or concealment of a material fact to induce another person to act to his or her detriment.

(j) The term “willful misconduct” means unlawful or improper behavior voluntarily and intentionally.

(k) The term “gross negligence” means a lack of slight diligence or care; a conscious, voluntary act or omission in reckless disregard of a legal duty and of the consequences to another person.

Note: Authority cited: Sections 407 and 14502, Food and Agricultural Code.
Reference: Sections 14601 and 14631, Food and Agricultural Code; and Section 6254.7 Government Code.

§ 2303. Labeling Requirements.

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(i) A guaranteed analysis using the following format, terminology, and order presented:

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GUARANTEED ANALYSIS:

(1) Total Nitrogen (N) %
..... % Ammoniacal Nitrogen
..... % Nitrate Nitrogen
..... % Water Soluble Organic Nitrogen or Other recognized and determinable
forms of nitrogen
..... % Water Insoluble Organic Nitrogen or Water Insoluble Nitrogen
Available Phosphoric Acid (P₂O₅) %
Soluble Potash (K₂O) %

...

(k) A list of soil amending ingredients in decreasing amounts present with one of the following headings: ~~(for packaged soil amendments and organic input material bulk soil amendments)~~.

(1) "Ingredients" (for Packaged Soil Amendments and Organic Input Material Bulk Soil Amendments)

(2) "Soil Amending Ingredients" directly following the derivation statement (for Commercial Fertilizers and Agricultural Minerals)

(3) "Soil Amending Ingredients" directly following ALSO CONTAINS NONPLANT FOOD INGREDIENTS, if claimed (for Commercial Fertilizers and Agricultural Minerals)

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(v) The secretary may accept definitions and official fertilizer terms listed in the ~~2017-2018~~ Association of American Plant Food Control Officials official publication, No.701.

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Note: Authority cited: Sections 407, 14502, 14601 and 14631, Food and Agricultural Code.

Reference: Section 14631, Food and Agricultural Code.

§ 2304. Biotics.

All fertilizing materials for which claims are made relating to organisms, enzymes or organisms by-products ~~are auxiliary soil and plant substances and~~ are subject to the registration requirement of Section 14601 of the Food and Agricultural Code. In addition to the information required by Section 14601 of the Food and Agricultural Code, the

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label of each product which contains organisms, enzymes and other biologically active by-products of organism for which claims are made shall state:

(a) Name of each species and strains as part of the statement of composition and name of each by-product, if claimed.

(b)(1) The percentage or number of viable units of each microorganisms per cubic centimeter or per gram for dry material.

(2) The concentration in percentage of each enzymes or other organism by-products claimed.

(c) The expiration date for use.

(d) Storage conditions.

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Note: Authority cited: Sections 407, 14502, 14601 and 14631, Food and Agricultural Code.
Reference: Sections ~~14594~~, 14601 and 14631, Food and Agricultural Code.

§ 2308. Packaged Soil Amendments.

(a) ~~Packaged s~~Soil amendments shall be measured by volume. ~~(quarts/cubic feet). If other measurement information is shown, it shall be in parentheses following the volume statement, e.g. weight, cubic inches, fractions of cubic feet and metric conversions.~~

(b) No claim shall be made for chemical composition or nutritive constituents, except as provided in (d), (e), and (f) of this section.

(c) When a ~~packaged~~ soil amendment is labeled as a specific material, such as peat moss or leaf mold, the product shall consist of not less than 95 percent of that material.

(d) Organic products such as bark, wood chips, wood sawdust and peat or peat moss claimed to be nitrogen fortified, nitrogen stabilized, or with other terms to inform that the product contains nitrogen added to compensate for nitrogen likely to be taken from soil due to the amendments decomposition therein, are soil amendments when such additional nitrogen is 0.5 percent or less. Any claim for such nitrogen stabilization or fortification or similar term made on the label of a ~~packaged~~ soil amendment shall be accompanied by a statement of the total percent of nitrogen contained therein.

(e) ~~Packaged s~~Soil amendments may contain wetting agents.

(1) The ~~claim term~~ “wetting agent-added” can be included in the list of ingredients in lieu of ~~made without~~ guaranteeing the specific wetting agent or the percentage of such, but the chemical name of the wetting agent must be submitted at the time of registration along with the analytical method.

(f) Iron (Fe), may be guaranteed at less than 0.1 percent.

(g) If reference is made to the acidity or alkalinity of the product, or its influence on the soil, a range or specific pH must be guaranteed.

Note: Authority cited: Sections 407, 14502, 14601 and 14631, Food and Agricultural Code.
Reference: Sections 14601 and 14631, Food and Agricultural Code.

ARTICLE 2. SAMPLES

§ 2315. Sampling Procedure.

Each official sample shall consist of a fertilizing material obtained in the following manner:

(a) Packaged Dry Materials.

- (1) Use a sampler that removes a core diagonally from end-to-end of the container.
- (2) The lot and the sample size consisting of not less than one pound will be established in the following manner:

If a lot to be sampled consists of more than 10 bags, select 10 bags and withdraw one core from each. If a lot contains less than 10 bags, withdraw 10 cores, but at least one core from each bag present. When taking more than one core from the same bag, insert the trier into the same hole as previously probed.

Lot Size Containers	Sample Size Containers
Less than 5	All
6-15	5
16-30	6
31-60	7
61-100	8
101-200	9
201-300	10
301-500	11
501 or more	12

(3) Small packages of dry fertilizer material in packages of 80 pounds or less, when not practical to sample according to subsection (2), shall be represented by one unbroken package which will constitute the official sample.

- (4) Place all cores into sample container and send to the laboratory.

ARTICLE 3. LICENSING

§ 2318. Licensing.

In addition to the requirements found in Section 14591 of the Food and Agricultural Code, each licensee ~~the following information~~ is required to provide a place of business. If the secretary returns an incomplete application for a license to the applicant:

(a) A place of business. completed application resubmitted within 180 days from the date the secretary initially returned the application shall not require payment of a new licensing fee.

(b) A new licensing fee must accompany a completed application resubmitted more than 180 days from the date the secretary initially returned the application.

ARTICLE 4. REGISTRATION

§ 2320.2. Registration Application for Organic Input Material Product Label.

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(b) Product label registration for Organic Input Material shall be made on an application designated by the department, ~~Organic Input Material, Fertilizing Materials Registration Application, 513-026 (Rev. 07/13), which is hereby incorporated by reference.~~ Applications must be accompanied by the appropriate fee and shall include:

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Note: Authority cited: Sections 407, 14502, and 14601, Food and Agricultural Code.
Reference: Sections 14550.5, 14601, and 14631, Food and Agricultural Code.

ARTICLE 6. ~~MILL ASSESSMENTS~~ ADMINISTRATIVE PENALTIES

§ 2322. Administrative Penalty Guidelines.

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(b) Table "A": Violations Matrix is to be used to establish the level of severity of a particular violation and the corresponding penalty range for ~~"Sserious," "Mmoderate,"~~ and ~~"Mminor"~~ violation classes. Except where specific violation parameters are provided, the violation column in Table "A": Violations Matrix is an abbreviated description of the corresponding rule in Division 7, Chapter 5, Article 10 of the California Food and Agricultural Code, ~~Division 4. Plant Industry,~~ and Title 3, Division 4, Chapter 1 of the California Code of Regulations.

~~Table "A": Violations Matrix~~

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Table A: Violations Matrix						
Section Code	Description of Violation	Min.	Mod.	Ser.	Penalty	Compliance Timeframe
1 -FAC § 14591 –Unlicensed Manufacturer	Manufacturer is not licensed to manufacture or distribute fertilizing materials in California from this business location.	X	<u>X</u>		Notice of warning-\$500 for first violation. -\$250 for second violation, \$500 for third violation per license cycle. Further violations may be assessed up to \$1,000, for each subsequent violation. <u>References: FAC § 14518, 14529, 14533, 14544, 14555, 14651.5 3CCR § 2322(a)(2), 2322(a)(1)</u>	30 days to comply.
2 -FAC § 14601 –Unregistered Product	Product is not registered for sale in California.	X	<u>X</u>		Notice of warning-\$500 for first violation. -\$250 for second violation per product, \$500 for third violation per license cycle. Further violations may be assessed up to \$1,000, for each subsequent violation. <u>References: FAC § 14529, 14651.5 3CCR § 2320, 2322(a)(2), 2322(a)(1)</u>	30 days to comply.
3 -FAC § 14611 –Mill Assessments	(a)Any licensee whose name appears on the label who sells or distributes fertilizing materials to unlicensed purchasers, shall pay to the s Secretary an assessment not to exceed two mills (\$0.002) per dollar of sales for all fertilizing materials. <u>(b) In addition to the assessment provided in subdivision (a), the secretary may impose an assessment in an amount not to exceed one mill (\$0.001) per dollar of sales for all sales of fertilizing materials, to provide funding for research and education regarding the use and handling of fertilizing materials.</u>	X			First violation shall receive a nNotice of warning-/ notice of violation, as well as a penalty of 15 percent of the delinquent payment. Pending non-compliance, \$200 for non-submittal of each quarterly report.\$1,000 for each subsequent violation. <u>Any delinquency which is more than 90 days past due is a cause for cancellation of the license.</u> <u>References: FAC § 14533, 14543, 14613 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1), 2326.2</u>	30 days to comply.
4 -FAC § 14623 –Tonnage	The tonnage report shall be submitted to the s Secretary semiannually not later than January 31 and July 31 of each year. The s Secretary shall impose a penalty in the amount of two hundred dollars (\$200) on any person who does not submit the report on or before those dates. Any tonnage report that is more than 90 days past due is a cause for revocation of the license.		<u>X</u>	X	\$200 for non-submittal for each semi-annual report. <u>Any delinquency which is more than 90 days past due is a cause for revocation of the license.</u> <u>Reference: FAC § 14623 3CCR § 2321, 2322(a)(2), 2322(a)(1)</u>	30 days to comply.

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5-FAC § 14631 Unlabeled Product (Label shall accompany each shipment)	Every lot, parcel or package of fertilizing material distributed into or within California shall be accompanied by a label.	X			Notice of warning / notice of violation for first violation, per product, \$250 for second violation per product, \$500 for third violation per license cycle . Further violations may be assessed up to \$1,000 for the second violation, \$2,500 for the third violation, \$5,000 for each subsequent violation. References: FAC § 14533, 14540, 14542, 14651.5 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
6-FAC § 14641 —Access to records and premises	The s Secretary shall have free access at reasonable times to all records, premises, production processes, or conveyances that are used in the manufacture, transportation, importation, distribution, storage, or application of any fertilizing material.			X	Violations shall may be assessed at up to \$5,000. References: FAC § 14533, 14651.5 3CCR § 2322(a)(1)	30 days to comply.
7-FAC § 14642 —Sampling and access to facility	The s Secretary shall, at the times and to the extent necessary for the enforcement of this chapter, do all of the following: (a) Take samples of any substance. (b) Make analyses or examinations of any substance. (c) Conduct investigations concerning the use, sale, adulteration or misbranding of any substance. (d) Inspect the fertilizing material manufacturing facilities and take samples at various stages of production to verify label and labeling claims and production processes.			X	Violations shall may be assessed at up to \$5,000. References: FAC § 14533, 14641, 14651.5 3CCR § 2313, 2315, 2322(a)(1)	30 days to comply.
8-FAC § 14655 —Movement of Quarantine	(a) Any lot of fertilizing material for which a hold order or notice is issued shall be held by the person having control of the material and shall not be distributed or moved except under the specific directions of the s Secretary, pending final disposition pursuant to this chapter. This does not prevent the person who has control of the material from inspecting any seized material or from taking a reasonable sample for evidence while in the presence of a person designated by the s Secretary.			X	14655(b) applies after that (misdemeanors). \$1,000 for the first instance violation. 14655(b) applies after that (misdemeanors). \$2,500 for the second violation. \$5,000 for each subsequent violation. For violations that arise from <u>fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14529, 14533, 14655(b) 3CCR § 2322(a)(1)	30 days to comply.

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9-FAC § 14681 (a)— Misbranded Product (Misleading Label)	No person shall distribute misbranded fertilizing materials. A fertilizing material shall be deemed misbranded if its label is misleading in any particular manner.			X	<u>\$1,000 for the first violation. \$2,500 for the second violation. Violations may be assessed up to \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation..</u> References: FAC § 14529, 14533, 14540, 14542, 14554, 14651.5 3CCR § 2322(a)(1)	30 days to comply.
10-FAC § 14681-(b)— Misbranded Product (False Distribution)	No person shall distribute misbranded fertilizing materials. A fertilizing material shall be deemed misbranded if it is distributed under the name of another fertilizing material.			X	<u>\$1,000 for the first violation. \$2,500 for the second violation. Violations may be assessed up to \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14529, 14533, 14540, 14542, 14554, 14651.5 3CCR § 2322(a)(1)	30 days to comply.
11-FAC § 14681-(c)— Misbranded Product (Not Labeled as Required)	No person shall distribute misbranded fertilizing materials. A fertilizing material shall be deemed to be misbranded if it is not labeled as required by regulations.			X	<u>\$1,000 for the first violation. \$2,500 for the second violation. Violations may be assessed up to \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14529, 14533, 14540, 14542, 14554, 14651.5 3CCR § 2322(a)(1)	30 days to comply.
FAC § 14681(d) <u>Misbranded Product (Purported Fertilizing Material)</u>	No person shall distribute misbranded fertilizing materials. A fertilizing material shall be deemed to be misbranded if it purports to be, or is represented as, a fertilizing material, or is represented as containing a primary or secondary plant nutrient or micronutrients, or both, unless the plant nutrients conform to the definition of identity, if any, prescribed by regulation. In adopting these regulations, due regard shall be given to commonly accepted definitions and official fertilizer terms such as those prescribed by the Association of American Plant Food Control Officials.			X	<u>\$1,000 for the first violation. \$2,500 for the second violation. Violations may be assessed up to \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14529, 14533, 14540, 14542, 14554, 14651.5 3CCR § 2322(a)(1)	

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12. FAC § 14682-(a)— Adulterated Product (Harmful to Plants)	No person shall distribute an adulterated fertilizing material. A fertilizing material shall be deemed to be adulterated if it contains any deleterious or harmful ingredient in sufficient amounts to render it injurious to beneficial plant life when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use that may be necessary to protect plant life are not indicated on the label.			<u>X</u>	<u>\$1,000 for the first violation. \$2,500 for the second violation. Violations may be assessed up to \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14529, 14533, 14540, 14542, 14554, 14651.5 3CCR § 2322(a)(1)</u>	
13. FAC § 14682-(b)— Adulterated Product (Composition)	No person shall distribute an adulterated fertilizing material. A fertilizing material shall be deemed adulterated if its composition falls below or differs from that which it is purported to possess by its labeling. (Composition variability associated with inherent properties of physical blending, feedstock, and sampling of fertilizing materials will be considered as minor violations).			X	<u>\$1,000 for the first violation. \$2,500 for the second violation. Violations may be assessed up to \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14529, 14533, 14540, 14542, 14554, 14651.5 3CCR § 2322(a)(1)</u>	30 days to comply.
FAC § 14682(c) <u>Adulterated Product</u> (Unwanted crop or weed seed)	No person shall distribute an adulterated fertilizing material. A fertilizing material shall be deemed adulterated if it contains <u>unwanted crop seed or weed seed.</u>			<u>X</u>	<u>\$1,000 for the first violation. \$2,500 for the second violation. Violations may be assessed up to \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14529, 14533, 14554, 14651.5 3CCR § 2322(a)(1)</u>	
14. FAC § 14682-(d)— Adulterated Product (Threat to Public Safety- Health)	No person shall distribute an adulterated fertilizing material. A fertilizing material shall be deemed to be adulterated if it is a threat to public safety.			X	<u>\$1,000 for the first violation. \$2,500 for the second violation. Violations may be assessed up to \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14529, 14533, 14554, 14651.5 3CCR § 2322(a)(1)</u>	30 days to comply.

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15. FAC § 14682-(e)— Adulterated Product (Organic Input Material)	<u>No person shall distribute an adulterated fertilizing material. A fertilizing material shall be deemed to be adulterated if an organic input material contains ingredients that, in any type or amount, do not comply with the requirements of the National Organic Program NOP standards (The term “ingredients” in the FAC Section 14682 (e) means any substance which is deliberately included in a fertilizing material).</u>			X	<u>\$1,000 for the first violation. \$2,500 for the second violation. Violations may be assessed up to \$5,000 and may result in misdemeanor. for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14529, 14533, 14540, 14542, 14550.5, 14554, 14651.5 3CCR § 2322(a)(1)</u>	30 days to comply.
16. 3CCR -§ 2300 (e)— Zero Guarantees	"Zero" guarantees shall not appear in the guaranteed analysis statement.	X			<u>First violation shall receive a nNotice of warning / notice of violation. Pending non compliance, FAC 14681 (a) applies. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14536, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	30 days to comply.
17. 3CCR -§ 2300 (f)— Brand Names	Brand names, trade names, and trademarks are prohibited in the derivation statement <u>or list of ingredients.</u>	X			<u>First violation shall receive a nNotice of warning / notice of violation. Pending non compliance, FAC 14681 (a) applies. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14527, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	30 days to comply.

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48.-3CCR -§ 2300-(g)— No State of California Endorsement	The statement "State of California approved" or other indication of official approval is prohibited in labeling and advertising unless allowed for organic input material.	X		First violation shall receive a nNotice of warning for non-organic labels only/ <u>notice of violation.</u> \$1,000 for the <u>second violation.</u> \$2,500 for the <u>third violation.</u> \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	"However labeling for products to be used in the production of organic food and crops is allowed to display CDEA's registered organic input material logo.
49.-3CCR § 2300 (h)— <u>Boron (B)</u> Warning Statement	A warning <u>or caution</u> statement shall appear on the label of any commercial fertilizer <u>or agricultural mineral product which</u> that contains 0.1 percent or more <u>by weight</u> of Boron in water soluble form. This statement shall include <u>carry</u> the word "WARNING," or "CAUTION," "ATTENTION," or "NOTICE," conspicuously displayed, shall state the crop(s) for which the fertilizing material is to be used <u>or and</u> state <u>that</u> the use <u>of the fertilizing material</u> on <u>any</u> crops other than those recommended <u>may result in serious injury to the crop(s).</u>	X		First violation shall receive a nNotice of warning / <u>notice of violation.</u> Pending non-compliance, FAC 14681 (a) applies. \$1,000 for the <u>second violation.</u> \$2,500 for the <u>third violation.</u> \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of <u>\$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
20.-3CCR -§ 2300-(i)— <u>Molybdenum</u> (Mo) Warning Statement	<u>Except for products labeled only for indoor or hydroponic use, a</u> A warning <u>or caution</u> statement shall appear on the label of any commercial fertilizer <u>or agricultural mineral product which</u> that contains 0.001 percent or more <u>by weight</u> of molybdenum (Mo). <u>This statement shall carry the word "WARNING," "CAUTION," "ATTENTION," or "NOTICE," conspicuously displayed and the statement that the application of fertilizing materials containing molybdenum (Mo) may result in forage crops containing levels of molybdenum (Mo) which are toxic to ruminant animals.</u>	X		First violation shall receive a nNotice of warning / <u>notice of violation.</u> Pending non-compliance, FAC § 14681(a) applies. \$1,000 for the <u>second violation.</u> \$2,500 for the <u>third violation.</u> \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of <u>\$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.

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<u>3CCR § 2300(j) Ingredient Outside Guaranteed Analysis</u>	<u>When the name of a fertilizing material ingredient appears on the label, that ingredient shall be represented in the guaranteed analysis statement and derivation statement, or statement of composition or list of ingredients.</u>	<u>X</u>		<u>First violation shall receive a notice of warning / notice of violation.- \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> <u>References: FAC § 14527, 14533, 14536, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	
<u>3CCR § 2300(k)(2) Product Composition Change Notification</u>	<u>For registered fertilizing materials, the manufacturer shall notify the secretary of any changes in the information on file regarding the product's composition within 30 days of the change.</u>	<u>X</u>		<u>First violation shall receive a notice of warning / notice of violation. Each subsequent violation shall be assessed \$1,000.</u> <u>References: FAC § 14533, 14544, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	
<u>3CCR § 2300(l) Disclosure of Product Composition</u>	<u>The manufacturer shall submit the required information regarding the composition of fertilizing materials.</u>	<u>X</u>		<u>First violation shall receive a notice of warning / notice of violation. Each subsequent violation shall be assessed \$1,000.</u> <u>References: FAC § 14533, 14544, 14651.5, 14681 3CCR § 2300(b), 2300(k), 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	
<u>3CCR § 2300(m) Labels at Registration Renewal</u>	<u>Product labels may be re-evaluated to ensure compliance with current labeling laws and regulations. Revisions to approved product labels may be required at registration renewal.</u>	<u>X</u>		<u>First violation shall receive a notice of warning / notice of violation. Each subsequent violation shall be assessed \$1,000.</u> <u>References: FAC § 14540, 14542, 14651.5, 14681 3CCR § 2300(b), 2300(k), 2300(l), 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	
<u>3CCR § 2301 Use of Numerals to Describe Guaranteed Analysis</u>	<u>When any series of numerals are used in labeling of or in advertising to describe the formula or analysis, or in connection with the name, brand, or trademark, such numerals shall be arranged so that the first will be the guaranteed percentage of nitrogen; the second, the guaranteed percentage of available phosphoric acid; and the third, the guaranteed percentage of soluble potash. The guaranteed percentages shall be consistent with the guaranteed analysis.</u>	<u>X</u>		<u>First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> <u>References: FAC § 14536, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	

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21. 3CCR -§ 2302-(a)– Heavy Metals (As, Cd, Pb) Violation	Inorganic commercial fertilizer and agricultural minerals percent with iron, manganese, phosphates, or zinc shall not exceed the concentrations of non- nutrient metals according to the California Code of Regulations.		X	<u>X</u>	Violations shall be assessed up to \$1,000 per product, for the first violation. \$2,500 for the second violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14522, 14651.5, 14682 3CCR § 2322(a)(1)	30 days to comply.
22. 3CCR § 2302(a)(4)-(5)– Heavy Metals Violation (Specialty Fertilizer)	Specialty fertilizers percent with iron, manganese, phosphates, or zinc shall not exceed the concentrations of non-nutrient metals.		X	<u>X</u>	Violations shall be assessed up to \$1,000 per product, for the first violation. \$2,500 for the second violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14563, 14651.5, 14682 3CCR § 2322(a)(1)	30 days to comply.
<u>3CCR § 2303(a) Product Name</u>	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the product name.</u>	<u>X</u>			<u>First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	

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23.-3CCR § 2303-(b)-(1)— Net Weight (Dry)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the net weight, of dry materials (not required for soil amendments), shall appear on the label—US and metric units are required on dry materials, except those distributed with a weight certificate.</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
24.-3CCR -§ 2303-(b)-(2)— Volume (For PSAs & Specialty Fert) (Liquid)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the volume of for packaged organic input material bulk soil amendments, packaged soil amendments, and liquid materials specialty fertilizer. US and metric units are required on organic input material bulk soil amendments, packaged soil amendments, and liquid materials, except those distributed with a weight certificate.</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
25.-3CCR -§ 2303-(b)-(3)— Density and Temperature (Liquid Bulk)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the density (pounds per gallon at 68 degrees Fahrenheit), for bulk liquids fertilizer only.</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. \$5,000 for each subsequent violation.</u> <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.

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26. 3CCR -§ 2303(c)— Grade (Commercial Fertilizer Labels)	The label <u>information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the grade (for commercial fertilizer labels only).</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14533, 14535, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
27. 3CCR -§ 2303(d)— Licensee's Name and Address on Label	The label <u>information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the licensee's name and address.</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14533, 14540, 14542, 14543, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
28. 3CCR -§ 2303(e)— Purpose Statement (For PSAs & Specialty Fert)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the pPurpose of the product shall be stated on the label (for auxiliary soil & plant substances, packaged agricultural minerals, packaged soil amendments, and specialty fertilizers).</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.

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29.-3CCR § 2303(f)– Directions for Use (For ASPS, PSAs & Specialty Fert)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the d</u> Directions for use (for auxiliary soil and plant substances, packaged agricultural minerals, packaged soil amendments and specialty fertilizers only).	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
30.-3CCR § 2303(g)– Non Plant Food Ingredient Statement (For ASPS)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include t</u> The statement "NONPLANT FOOD INGREDIENT" printed in capital letters (for auxiliary soil and plant substance products) must be included.	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
31.-3CCR § 2303(h)– Statement of Composition (For ASPS)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include a</u> A statement of composition showing the percent of each active ingredient, which is the agent in the product primarily responsible for the intended effects (for auxiliary soil and plant substances).	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2300.1(b), 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.

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32.-3CCR § 2303-(i)– Guaranteed Analysis on Label	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include a</u> A <u>guaranteed analysis was not stated on the label or was in an</u> incorrect format, terminology and order.	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14536, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
33. CCR § 2303 (i)(1) –Forms of Nitrogen	The forms of nitrogen are not stated on the label.	X		Notice of warning. Pending non-compliance, FAC § 14681 (a) applies.	30 days to comply.
34.-3CCR § 2303-(i)-(2)– Secondary and Micronutrients	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include a guaranteed analysis of</u> Secondary or <u>and micronutrients, (if claimed); must be guaranteed using the correct format at or above the established minimum values.</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14546, 14559, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
3CCR § 2303(i)(3) <u>Liming Material Guarantees</u>	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include a guaranteed analysis of liming material guarantees (if claimed) using the correct format at or above the established minimum values.</u>	X		First violation shall receive a notice of warning / notice of violation. <u>-\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	

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3CCR § 2303(i)(4) <u>Gypsum Guarantees</u>	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include a guaranteed analysis of gypsum guarantees (if claimed) using the correct format.</u>	<u>X</u>		First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14533, 14537, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	
3CCR § 2303(i)(5) <u>Gypsum Equivalent Guarantees</u>	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include a guaranteed analysis of gypsum equivalent guarantees (if claimed) using the correct format.</u>	<u>X</u>		First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14533, 14537, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	
35- 3CCR § 2303(j)– Derivation Statement (For Commercial Fert and Ag Min)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include a derivation statement directly following the last nutrient guarantee (for commercial fertilizers and agricultural mineral labels).</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies- \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14527, 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply-

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3CCR § 2303(j)(1) <u>Abbreviations</u>	<u>Abbreviations shall not appear in the derivation statement, with the exception of chelating agents.</u>	<u>X</u>		First violation shall receive a notice of warning / notice of violation. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14520, 14527, 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	
3CCR § 2303(j)(2) <u>Liming Materials</u>	<u>For liming materials, the derivation statement shall follow the last guarantee.</u>	<u>X</u>		First violation shall receive a notice of warning / notice of violation. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14527, 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	
36- 3CCR § 2303(k)– List of Ingredients (For PSAs)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code. Labels for packaged soil amendments shall include a list of ingredients in decreasing amounts present: (for packaged soil amendments and organic input material bulk soil amendments).</u>	X		First violation shall receive a n Notice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies: <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply-

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37. 3CCR § 2303(l)– Non-Plant Food Ingredient Statement (For Commercial Fert and Ag Min)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include that the following format and guarantees, as applicable for the following products or ingredients, shall appear after following the derivation statement of agricultural mineral and commercial fertilizer labels: "ALSO CONTAINS NONPLANT FOOD INGREDIENT(S):"</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
3CCR § 2303(m) <u>Additional Information within Guaranteed Analysis</u>	<u>Additional information, other than secondary or micronutrient guarantees, shall not appear in the guaranteed analysis statement.</u>	X		First violation shall receive a notice of warning / notice of violation. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14536, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	
38. 3CCR § 2303(n)– Forms of nitrogen (N) adding to Total N	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include that the guarantees for the forms of nitrogen must add up to the total nitrogen guarantee claimed and are recommended in the order appearing in the format shown in section 2303(i)(1).</u>	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.

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3CCR § 2303(o) <u>Zeros Before Decimal Point</u>	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include that zeros are required before the decimal points when less than one percent.</u>	<u>X</u>		<u>First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	
3CCR § 2303(p) <u>Labels for Packaged Products</u>	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include that for packaged products, the information found in section 2303(a) through (o) shall either: (1) Appear on the label, or (2) Be printed on a tag and attached to the package. This information shall be in a conspicuous form.</u>	<u>X</u>		<u>First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14533, 14540, 14542, 14551, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	
3CCR § 2303(q) <u>Labels for Bulk Products</u>	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include that for bulk products, the information found in section 2303(a) through (o) shall be in written or printed form and shall accompany the delivery. This information shall be in a conspicuous form.</u>	<u>X</u>		<u>First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14517, 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	

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39. 3CCR- § 2303(r)— -Heavy Metal Statement -(Base Ingredients)	<u>The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include that the manufacturer of any base fertilizing material ingredient that claims iron, manganese, zinc or phosphates shall provide a guarantee statement that the product does not exceed standards established for arsenic, cadmium and lead.</u>	<u>X</u>	X	First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. Violations may be assessed up to \$1,000 per product. References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
40. 3CCR- § 2303(s)(1)— -Heavy Metal <u>Informational</u> Statement on the Label, or provide a Website or Phone Number <u>for the Data</u>	In lieu of stating the metals on the label, provide either a licensee maintained website that contains no advertising or company specific information, direct link to a government website or provide a toll free number.	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. References: FAC § 14533, 14540, 14542, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	30 days to comply.
3CCR § 2303(u) <u>Inaccurate Heavy Metals Information</u>	<u>The publication of inaccurate information regarding the contents and levels of metals is a misbranding violation pursuant to Section 14681 of the Food and Agricultural Code.</u>			<u>X</u> First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14533, 14540, 14542, 14651.5, 14681(a), 14681(a) 3CCR § 2322(a)(1)	

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41. 3CCR- § 2304 (a) Biotics Microbial Species	<u>The label of each product which contains organisms, enzymes and other biologically active by products of organisms for which claims are made shall state:</u> (a) Name of each species and strains as part of the statement of composition and name of each by-product, if claimed. (b)(1) The percentage or number of viable units of microorganisms per cubic centimeter. (2) The concentration in percentage of enzymes or other organism by-products claimed. (c) The expiration date for use. (d) Storage conditions.	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681(a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14514, 14533, 14540, 14542, 14651.5, <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	30 days to comply.
42. CCR- § 2304 (b) Units for Microbial Guarantees	(1) The percentage or number of viable units of microorganisms per cubic centimeters. (2) The concentration in percentage of enzymes or other organism by products claimed.	X		Notice of warning. Pending non-compliance, FAC 14681(a) applies.	30 days to comply.
43. CCR- § 2304 (e) Date of Expiration	The expiration date for use.	X		Notice of warning. Pending non-compliance, FAC 14681(a) applies.	30 days to comply.
44. CCR- § 2304 (d) Storage Conditions	Storage conditions.	X		Notice of warning. Pending non-compliance, FAC 14681(a) applies.	30 days to comply.
45. 3CCR § 2305(a) Chelating Agents (Name)	Label chelation claims shall state <u>include</u> the name of the chelating agent.	X		First violation shall receive a nNotice of warning / notice of violation. Pending non-compliance, FAC 14681(a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14520, 14533, 14540, 14542, 14651.5, 14681 <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	30 days to comply.

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46. 3 CCR- § 2305(b)— Chelating Agents (Analysis)	The percent of guaranteed chelated micronutrient content shall <u>must</u> be stated accurately within the guaranteed analysis.	X		First violation shall receive a n Notice of warning / <u>notice of violation</u> . Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: <u>FAC § 14520, 14533, 14536, 14540, 14542, 14651.5, 14681</u> <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	30 days to comply.
47. 3 CCR- § 2306 —Fish Emulsion	When a product is labeled as fish emulsion, it shall contain a minimum of 40 percent total solids.	X		First violation shall receive a n Notice of warning / <u>notice of violation</u> . Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: <u>FAC § 14520, 14533, 14534, 14540, 14542, 14651.5, 14681</u> <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	30 days to comply.
48. 3 CCR- § 2308(a)— Packaged Soil Amendments (Volume)	Packaged soil amendments shall be measured by volume (quarts/cubic feet). If other measurement information is shown, it shall be in parentheses following the volume statement.	X		First violation shall receive a n Notice of warning / <u>notice of violation</u> . Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: <u>FAC § 14533, 14540, 14542, 14552, 14651.5, 14681</u> <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	30 days to comply.

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<u>3CCR § 2308(b) Packaged Soil Amendments (Composition Claims)</u>	<u>No claim shall be made for chemical composition or nutritive constituents, except provided in (d) and (f) of this section.</u>	<u>X</u>		<p><u>First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u></p> <p><u>References: FAC § 14533, 14540, 14542, 14552, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u></p>	
49-3CCR- § 2308(c)– Packaged Soil Amendments (Composition)	<u>When a packaged soil amendment is labeled as a specific material, such as peat moss or leaf mold, the product shall consist of not less than 95 percent of that material.</u>	<u>X</u>		<p>First violation shall receive a n<u>Notice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u></p> <p><u>References: FAC § 14533, 14540, 14542, 14552, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u></p>	30 days to comply-
<u>3CCR § 2308(d) Packaged Soil Amendments (Nitrogen Fortification)</u>	<u>Organic products such as bark, wood chips, wood sawdust and peat or peat moss claimed to be nitrogen fortified, nitrogen stabilized, or with other terms to inform that the product contains nitrogen added to compensate for nitrogen likely to be taken from soil due to the amendments decomposition therein, are soil amendments when such additional nitrogen is 0.5 percent or less. Any claim for such nitrogen stabilization or fortification or similar term made on the label of a packaged soil amendment shall be accompanied by a statement of the total percent of nitrogen contained therein.</u>	<u>X</u>		<p><u>First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u></p> <p><u>References: FAC § 14533, 14540, 14542, 14552, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u></p>	

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3CCR § 2308(e)(1) <u>Packaged Soil Amendments (Wetting Agents)</u>	<u>The claim "wetting agent added" can be made without guaranteeing the specific wetting agent or the percentage of such, but the chemical name of the wetting agent must be submitted at the time of registration along with the analytical method.</u>	<u>X</u>		First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14533, 14540, 14542, 14552, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	
3CCR § 2308(g) <u>Packaged Soil Amendments (pH guarantee)</u>	<u>If reference is made to the acidity or alkalinity of the product, or its influence on the soil, the range or specific pH of the product must be guaranteed.</u>	<u>X</u>		First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation. References: FAC § 14533, 14540, 14542, 14552, 14651.5, 14681 3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)	
50. 3CCR § 2309 (b) — Available Phosphoric Acid	Products that contain phosphoric acid shall state on the label the percentage of "Available Phosphoric Acid". If, in addition, a percentage of "Total Phosphoric Acid" is stated, the percentage of "Insoluble Phosphoric Acid" (Citrate-Insoluble Phosphorus) must be stated immediately below.	X		Notice of warning. — Pending non-compliance, FAC § 14681 (a) applies.	30 days to comply.

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<p>51. 3CCR- § 2309(a) —Phosphorous materials</p>	<p>(a) Products that contain phosphorous acid shall state on the label the percentage of “Total Phosphoric Acid”, upon conversion of phosphorous acid. <u>In addition the label shall state the following:</u> <u>(1) Phosphorous acid products are for use as a supplemental fertilizer treatment.</u> <u>(2) Upon foliar application, the phosphite ions are taken up directly by the plant foliage and may undergo a degree of conversion to phosphate ions, or will be used directly by plants, as phosphite ions.</u> <u>(3) As a soil application to annual crops, a lesser response from the initial crop, with a corresponding superior response from succeeding crops, may be observed.</u> <u>In addition, placement close to seeds or root zones may be injurious to crops. The effect may be aggravated by a soil pH below 6.5.</u> <u>(b) Products that contain Phosphoric acid shall state on the label the percentage of "Available Phosphoric Acid". If, in addition, a percentage of "Total Phosphoric Acid" is stated, the percentage of "Insoluble Phosphoric Acid" (Citrato-Insoluble Phosphorus) must be stated immediately below.</u></p>	<p>X</p>		<p>First violation shall receive a nNotice of warning / <u>notice of violation.</u> Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u></p> <p><u>References: FAC § 14533, 14540, 14542, 14651.5, 14681</u> <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u></p>	<p>30 days to comply.</p>
<p>52. 3CCR § 2311(a)— Slow Release (Claims)</p>	<p>The label shall not state or imply that a plant nutrient or micronutrient contained in a fertilizer is released slowly over a period of time, unless such nutrients or micronutrients are identified and guaranteed.</p>	<p>X</p>		<p>First violation shall receive a nNotice of warning / <u>notice of violation.</u> Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> <u>For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u></p> <p><u>References: FAC § 14533, 14540, 14542, 14651.5, 14681</u> <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u></p>	<p>30 days to comply.</p>

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<p><u>3CCR § 2311(b)</u> <u>Slow Release</u> <u>(Accepted</u> <u>Products)</u></p>	<p><u>The types of slow released products recognized are:</u> <u>(1) Water insoluble (N products only), such as natural organics, urea formaldehyde, isobutylidene diurea and oxamide.</u> <u>(2) Coated slow release such as sulfur coated urea and other encapsulated soluble fertilizers.</u> <u>(3) Products containing water soluble nitrogen such as ureaform materials, urea formaldehyde products, methylenediurea (MDU), dimethylene triurea (DMTU), dicyanodiamide (DCD).</u> <u>(4) Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles. The terms "water insoluble", "coated slow release", "slowly available water soluble" and "occluded slow release" are accepted as descriptive of these products provided the claim is substantiated by a research study as required by section 2300(b).</u> <u>(5) Products containing phosphorous acid such as potassium phosphite and ammonium phosphite which undergo a degree of conversion in plants or soils to available phosphoric acid (P2O5).</u></p>	<p><u>X</u></p>		<p><u>First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u></p> <p><u>References: FAC § 14533, 14540, 14542, 14651.5, 14681</u> <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u></p>	
<p><u>3CCR § 2311(c)</u> <u>Slow Release</u> <u>(Minimum</u> <u>Percentage)</u></p>	<p><u>When slowly released nutrients are less than 15 percent of each total of the guarantee for either total nitrogen (N), available phosphoric acid (P2O5), or soluble potash (K2O), as appropriate, the label shall not refer to slow release of the materials.</u></p>	<p><u>X</u></p>		<p><u>First violation shall receive a notice of warning / notice of violation. \$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u></p> <p><u>References: FAC § 14533, 14540, 14542, 14651.5, 14681</u> <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u></p>	

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53.3 CCR- § 2312 —Gypsum equivalent	Any of the following four compounds, Hydrated Calcium Sulfate, Anhydride Calcium Sulfate, Hydrated Calcium Sulfite, and Anhydride Calcium Sulfite singly or in combination, shall be expressed as a percent gypsum equivalent on the label.	X		First violation shall receive a n Notice of warning / notice of violation. Pending non-compliance, FAC 14681 (a) applies. <u>\$1,000 for the second violation. \$2,500 for the third violation. \$5,000 for each subsequent violation.</u> For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of <u>\$5,000 for the initial or any subsequent violation.</u> References: FAC § 14533, 14540, 14542, 14651.5, 14681 <u>3CCR § 2322(a)(3), 2322(a)(2), 2322(a)(1)</u>	30 days to comply.
<u>3CCR § 2314 Subsamples</u>	<u>Subsamples shall be provided to interested parties after laboratory analysis by the department, with the condition that the requesting parties agree to provide analytical results of the subsample to the Department of Food and Agriculture, Feed, Fertilizer and Livestock Drug Branch within 21 days of receipt.</u>		X	<u>\$500 for first violation. \$1,000 for each subsequent violation.</u> References: FAC § 14651.5 <u>3CCR § 2322(a)(2), 2322(a)(1)</u>	
<u>3CCR § 2319 Experimental Use of a Fertilizing Material.</u>	<u>Experimental use of a fertilizing material for noncommercial value is exempt from registration when all of the following conditions have been satisfied:</u> <u>(a) The material shall not be sold.</u> <u>(b) The material shall be conspicuously identified on the display panel as “EXPERIMENTAL USE ONLY”.</u> <u>(c) The user(s) or recipient(s) of the material shall be documented by the manufacturer.</u> <u>(1) Documentation shall be retained and available to the secretary upon request for at least three years from date the material was provided.</u>		X	<u>\$1000 for the first violation. \$2500 for the second violation. \$5000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> References: FAC § 14531, 14533, 14540, 14542, 14651.5 <u>3CCR § 2322(a)(1)</u>	
<u>3CCR § 2320 Registration</u>	<u>In addition to requirements found in Section 14601 of the Food and Agricultural Code, the following information is required. Each auxiliary soil and plant substance, packaged agricultural mineral, packaged soil amendment, specialty fertilizer, and organic input material shall be registered in the name of the legal entity or person whose name appears on the label before being distributed in this state. These materials shall not be distributed or sold unless the product is registered.</u>		X	<u>The penalties of FAC § 14601 apply. \$500 for first violation. \$1,000 for each subsequent violation.</u> References: FAC § 14533, 14601 <u>3CCR § 2322(a)(2), 2322(a)(1)</u>	

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3CCR § 2320.3 (a)(1) <u>Organic Input Material Registration (Claims of compliance to the NOP)</u>	<u>A fertilizing material shall be considered to be an organic input material requiring label registration if the fertilizing material is making claims of compliance to the United States Department of Agriculture, National Organic Program (NOP) standards, or claims for use in organic crop and food production, including but not limited to, submission by the supplier, distributor, or manufacturer for listing by a third-party organic input material review organization recognized by the NOP.</u>			<u>X</u>	<u>\$1,000 for the first violation. \$2,500 for the second violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14533, 14550.5, 14601, 14651.5, 14681</u> <u>3CCR § 2322(a)(1)</u>	
3CCR § 2320.3 (a)(2) <u>Organic Input Material Registration (Claims on labels, literature, website, social media, etc)</u>	<u>A fertilizing material shall be considered to be an organic input material requiring label registration if the fertilizing material includes claims on labels, labeling, literature or extensions of labels, such as websites or social media outlets, or other electronic or verbal communications that the products are suitable for use in organic crop and food production system.</u>			<u>X</u>	<u>\$1,000 for the first violation. \$2,500 for the second violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</u> <u>References: FAC § 14533, 14540, 14542, 14550.5, 14601, 14651.5, 14681</u> <u>3CCR § 2322(a)(1)</u>	

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3CCR § 2320.4 <u>Use of the term “Organic”</u>	<p>(a) Fertilizing material labels and/or labeling displaying the term “organic” in the licensee’s name on the label, logos, slogans, or brand names, shall be registered as an organic input material or shall comply with subsection (c) by December 31, 2015.</p> <p>(b) Label and labeling claims implying that a product is suitable for organic crop and food production shall be registered as an organic input material or shall comply with subsection (c). Organic claims include, but are not limited to, the following: Organic gardening, certified organic, and compliance with National Organic program (NOP) standards.</p> <p>(c) The use of the term “organic” on fertilizing materials labels and/or labeling, as described in sections (a) and (b) of this section, not meeting the NOP standards shall include one of the following declarations: “Not for use in organic crop and organic food production in the State of California.” or “Not for use in organic crop and organic food production.”</p> <p>(1) The declaration shall appear in the principal display panel of the label.</p> <p>(2) The declaration shall be in such a style of type of lettering as to be clearly and conspicuously presented with respect to other type, lettering, or graphic material on the label.</p>			X	<p>\$1,000 for the first violation. \$2,500 for the second violation. \$5,000 for each subsequent violation. For violations that arise from fraud, willful misconduct, gross negligence, or are a threat to public safety, the secretary shall assess a penalty of \$5,000 for the initial or any subsequent violation.</p> <p>References: FAC § 14533, 14540, 14542, 14550.5, 14601, 14651.5, 14681 3CCR § 2300.1(g), 2322(a)(1)</p>	
3CCR § 2323(a) <u>Organic Input Material Inspections (Access to Records & Premises)</u>	The secretary shall have free access at reasonable times to all records, premises, production processes, storage facilities, inventories, or conveyances that are used in the manufacture, transportation, importation, distribution, storage, or application of any organic input material.			X	<p>Violations shall be assessed at \$5000.</p> <p>References: FAC § 14533, 14641, 14550.5, 14651.5 3CCR § 2322(a)(1)</p>	
3CCR § 2323(c) <u>Organic Input Material Inspections (Maintaining Records)</u>	Organic input material manufacturers shall maintain all the records demonstrating compliance with the NOP standards and submit complete documentation describing all ingredients, manufacturing processes, process control information, laboratory analysis of incoming ingredients and finished products, and other information as required by the secretary.			X	<p>Violations shall be assessed at \$5000.</p> <p>References: FAC § 14533, 14641, 14550.5, 14651.5 3CCR § 2322(a)(1)</p>	

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3CCR § 2323(d) <u>Organic Input Material Inspections (Sampling)</u>	For the purpose of determining compliance, the secretary shall do all of the following: (1) <u>Take samples of any raw ingredients, finished products, and substances.</u> (2) <u>Take samples at various stages of the manufacturing process.</u> (3) <u>Make analysis or examinations of any raw ingredients, substances, and organic input material.</u>			X	Violations shall be assessed at \$5000. References: FAC § 14533, 14641, 14550.5, 14651.5 3CCR § 2313, 2315, 2322(a)(1)	
3CCR § 2324 <u>Access for Sampling</u>	Authorized staff may take a sample for analysis from any lot of fertilizing material which is in the possession of any producer, manufacturer, distributor importer, agent, dealer, retailer, or user.			X	Violations shall be assessed at \$5000. References: FAC § 14530, 14533, 14544, 14641, 14651.5 3CCR § 2322(a)(1)	
3CCR § 2325 <u>Records Maintenance and Audit</u>	Each licensee shall maintain in this state, or with the secretary's permission at another location, an accurate record of all transactions subject to assessment. These records shall be maintained for a period of not less than three years following the transaction and are subject to audit by the secretary. Records of all transactions subject to assessment shall be made available upon request.			X	\$500 for first violation. \$1000 for each subsequent violation. References: FAC § 14543, 14641, 14651.5 3CCR § 2322(a)(2), 2322(a)(1)	

Note: Authority cited: Sections 407, 14502, 14601, 14613, 14623, 14651, 14651.5, and 14655, Food and Agricultural Code.

Reference: Sections 14641, 14651.5, 14653, 14655, 14681 and 14682, Food and Agricultural Code.

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§ 2322.1. Filing Deadlines and Procedures.

(a) ~~The A~~ respondent may contest a notice of adverse determination, including a notice to deny a right, authority, license or privilege or the renewal thereof, for any violation specified in Section 2322, by submitting a and may request an informal hearing by written request for an informal hearing ~~correspondence~~ to the Secretary Legal Office of Hearings and Appeals of the Department of Food and Agriculture, 1220 "N" Street, Room 315 A-107, Sacramento, California 95814.

(b) The respondent must submit a request for an informal hearing to the Secretary Legal Office of Hearings and Appeals in writing within 30 days from the date of the notice of adverse determination.

~~(c) The respondent may request a formal hearing in lieu of an informal one. The respondent must do so within the filing deadlines for requesting an informal hearing set forth in subsection (b). Any request must be accompanied by a written statement in~~

~~support of it. The hearing officer shall determine whether to proceed with an informal hearing or whether a formal hearing or other appropriate administrative proceeding may be required by statute pursuant to Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2 of the Government Code. Any objection to the agency's selection of the informal hearing procedure, shall be brought pursuant to Government code section 11445.30.~~

~~(d)~~ (c) Failure to present a timely request for a hearing constitutes a waiver of the respondent's right to contest the notice of an adverse determination.

~~(e)~~ (d) If the notice of adverse determination places a hold on a fertilizing material product, or requires a person to cease operations, the notice of adverse determination shall remain in effect pending the outcome of the informal hearing.

Note: Authority cited: Section 407, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Sections 11501, 11502 and 11503, Government Code.

§ 2322.2. Hearing Schedule and Notification.

(a) Supplemental to any procedures set forth in Chapter 4.5 (commencing with Section 11400), Part 1, Division 3, Title 2, of the Government Code, the Department Legal Office of Hearings and Appeals shall schedule an informal hearing within 30 days from the receipt of a written request from the respondent.

(b) Formal hearings shall be scheduled by the Department consistent with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and any applicable regulations enacted pursuant to these provisions.

(c) The Department shall provide a notice of the informal hearing to the respondent containing the following information:

- (1) Date, location, and time of the informal hearing;
- (2) Departmental contact information including applicable telephone and facsimile numbers;
- (3) Subject matter of the adverse determination; and,
- (4) Any other information or documentation relative to the adverse determination.

(d) The notice of hearing shall be sent to the mailing address of the licensee, as provided by any license or registration issued by the Department.

(e) A notice that is sent pursuant to subsection (d) shall be considered effective, even if delivery is refused or if the notice is not accepted at that address.

Note: Authority cited: Section 407, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Sections 11501, 11502 and 11503, Government Code.

§ 2322.3. Hearing Procedures.

(a) Hearings shall be presided over and conducted by a Hearing Officer designated by the ~~Secretary~~.

(b) The standard of proof to be applied by the Hearing Officer shall be the preponderance of the evidence.

(c) The burden of proof shall be on the Department.

(d) Hearings may be conducted by telephone, at the discretion of the Hearing Officer.

(e) The decision of the Hearing Officer shall be in writing. ~~The decision shall be in minute order form, containing only a brief statement of the conclusion and findings to support the conclusion.~~ It may be handwritten.

(f) The decision shall be issued within ~~30~~ 45 days after the conclusion of the hearing and may be issued orally at the conclusion of the hearing subject to written confirmation.

(g) The written decision shall be served on the respondent either by personal service ~~or, if available, by facsimile transmission, or email.~~

(h) The Hearing Officer's decision shall be effective immediately upon first articulation under subsection (f) and shall be final and not appealable to the ~~Secretary~~ or any other officer of the Department.

(i) The owner may challenge the Hearing Officer's decision by filing a writ of administrative mandamus in the appropriate court pursuant to Code of Civil Procedure Section 1094.5.

(j) Hearings shall be recorded ~~by audio tape.~~

Note: Authority cited: Sections 407, 14502, 14651 and 14651.5, Food and Agricultural Code.

Reference: Sections 14653, 14655, 14681 and 14682, Food and Agricultural Code; and Sections 11425.50 and 11445.10, Government Code.

ARTICLE 7. MILL ASSESSMENTS

§ 2326.1. Mill Assessment Rates.

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Note: Authority cited: Sections 407, 14501, 14502 and 14611, Food and Agricultural Code.

Reference: Sections 14501, 14517, 14533, 14551 and 14611(b), Food and Agricultural Code.